



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eric C. Humphries
Stephen D. Barratt

Docket: 102492-100

Serial No.: 10/718,022 Filed: November 19, 2003

Assignee: CYRO Industries

Title: TRAFFIC NOISE BARRIER SYSTEM

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Certificate of Mailing | |
| Date of Deposit December 11, 2003. | |
| I hereby certify under 37 CFR 1.8(a) that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | |
| Signed: |  |
| Name: Timothy J. Olson | |

INFORMATION DISCLOSURE STATEMENT

Mail Stop Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Applicant submits herewith a copy of (a) attached form PTO-1449, which lists all patents, publications, applications, or other information submitted for consideration by the Office; (b) a legible copy of each document required by 37 C.F.R. §1.98(b)(2).
2. Applicant herein apprises the Patent Office of prior art in a parent U.S. application from which this application obtains the benefit of an earlier filing date under 35 U.S.C. §120. The Serial Number of the parent application is U.S. Application Serial No. ____ filed on ____ and entitled _____. The publications cited therein are listed on attached Form PTO-1449. In accordance with 37 C.F.R. §1.98(d) copies of the listed publications are not required. Additional parent patent applications are listed on an attached sheet.

3. In accordance with 37 C.F.R. §1.98(a)(3), Applicant hereby certifies that for each reference not in English (**check at least one box below**):

A copy of a translation of one or more non-English document, or portion thereof, is provided herewith;

A concise explanation is (**check at least one box below**):

provided in the accompanying foreign or international search report; incorporated into the specification; and/or provided herewith.

37 C.F.R. §1.97(b)(1), (b)(2) - WITHIN 3 MONTHS OF FILING OR ENTRY IN NATIONAL STAGE

4. Since this Information Disclosure Statement is being filed within three months of the filing date of the subject application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(b)(3), (b)(4) - PRIOR TO MAILING OF FIRST OFFICE ACTION OR FIRST ACTION AFTER REQUEST FOR CONTINUED EXAMINATION

5. Since this Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(c) - AFTER FIRST ACTION, BEFORE FINAL ACTION OR ALLOWANCE

6. Since this Information Disclosure Statement is being filed outside of the period provided for in 37 C.F.R. §1.97(b), but before the mailing date of a Final Rejection or Notice of Allowance, this submission is being accompanied by (**one of the following boxes must be checked**):

- the fee required under 37 C.F.R. §1.97(c)(2) and specified in 37 C.F.R. §1.17(p).
- the statement specified in 37 C.F.R. §1.97(e) (**Box 8 or 9 must be checked**).

37 C.F.R. §1.97(d) - AFTER FINAL REJECTION OR ALLOWANCE

7. Since this Information Disclosure Statement is being filed after the period specified in 37 C.F.R. §1.97(c), but on or before payment of this issue fee and is accompanied by both the statement specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p). (**Box 8 or 9 must be checked**).

8. In accordance with 37 C.F.R. §1.97(e)(1), Applicant's attorney certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a

foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. The foreign or international search report(s) is/are enclosed.

9. In accordance with 37 C.F.R. §1.97(e)(2), Applicant's attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the information disclosure statement.

10. In the event the Commissioner of Patents deems that any additional fee is required under 37 C.F.R. §§ 1.16 or 1.17 in connection with this application, Applicant's attorneys authorize that such fee be charged to Deposit Account No. 23-1665.

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

The undersigned further represents that the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Consideration of this Information Disclosure Statement is respectfully requested.

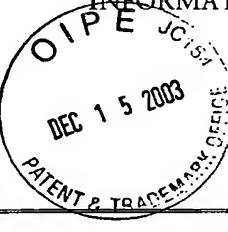
Respectfully submitted,
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FORM PTO-1449

|  | | ATTY. DOCKET NO. 102492-100 | | SERIAL NO. 10/718,022 | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------|------------------|--------------------------|----------|----------------------------|
| | | APPLICANT: ERIC C. HUMPIRES ET AL. | | | | |
| | | FILING DATE: 11/19/03 | | GROUP: 3641 | | |
| | | U.S. PATENT DOCUMENTS | | | | |
| | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPR. |
| | 5,052,850 | 10/01/91 | Bishop | 404 | 6 | 07/17/90 |
| | 5,208,585 | 05/04/93 | Sprague | 340 | 908.1 | 01/21/92 |
| | 5,678,950 | 10/21/97 | Junker | 404 | 10 | 03/08/94 |
| | 6,328,284 | 12/11/01 | Wilding | 256 | 13.1 | 02/18/99 |
| | 6,412,230 | 07/02/02 | Zambelli et al. | 52 | 27 | 08/24/00 |
| | 6,533,250 | 03/18/03 | Arthur | 256 | 13.1 | 08/20/01 |
| | 6,551,011 | 04/22/03 | Valentine | 404 | 6 | 11/22/00 |
| | Pub. No. US 2001/0014254 A1 | Pub. Date 08/16/01 | Albritton | 404 | 6 | 04/09/01 |
| | Publication No. US 2002/0127056 A1 | Pub. Date 09/12/02 | Muller et al. | 404 | 6 | 03/11/02 |
| | Pub. No. US 2003/0057410 A1 | Pub. Date 03/27/03 | Denman et al. | 256 | 13.1 | 04/17/02 |
| | Pub. No. US 2003/0077120 A1 | Pub. Date 04/24/03 | Jonsson et al. | 404 | 6 | 04/24/03 |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| EXAMINER INITIALS | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
| | | | | | | |
| OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) | | | | | | |
| <p><i>"Safety-Run-Off-Road Hardware Longitudinal Barriers,"</i> U.S. Department of Transportation Federal Highway Administration website (http://safety.fhwa.dot.gov/fourthlevel/hardware/longbarriers.htm), Sept. 19, 2003 (1 page)</p> | | | | | | |
| <p><i>"Safety-Run-Off-Road Hardware Bridge Railings,"</i> U.S. Department of Transportation Federal Highway Administration website (http://safety.fhwa.dot.gov/fourthlevel/hardware/bridgerailings.htm), Sept. 19, 2003 (1 page)</p> | | | | | | |
| <p>E. Keller et al., <i>"Guidelines for Attachments to Bridge Rails and Median Barriers"</i> MwRSF Research Report No. TRP-03-98-03, Midwest State's Regional Pooled Fund Research Program, Fiscal Year 1998-1999 (year 9), Research Project Number SPR-3 (017), Pool Fund Number RPFP-99-06, Feb. 26, 2003 (66 pp.)</p> | | | | | | |
| <p>NCHRP Report 350, H.E. Ross et al., <i>"Recommended Procedures for the Safety Performance Evaluation of Highway Features,"</i> National Cooperative Highway Research Program, National Academy Press, Washington, D.C. 1993 (with appendices)</p> | | | | | | |
| EXAMINER: | | | DATE CONSIDERED: | | | |
| <p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | | | | | | |